

ORIGINAL

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CV 21 - 1806

UNITED STATES EASTERN DISTRICT COURT FOR THE EASTERN DISTRICT OF
NEW YORK

VITALIANO, J.

MARIAH CASTRO, ROMANUS
CASTRO, EZEKIEL CASTRO

Plaintiff,

vs.

HERBERT LEHMAN COLLEGE, CITY
UNIVERSITY OF NEW
YORK, METROPOLITAN TRANSIT
AUTHORITY, QUEENS HOSPITAL CENTER

Defendant

Case No.: Number

BLOOM, M.J.

PERSONAL INJURY

Jury trial requested

Dated this day of April, 5th 2021

Romanus Castro
Attorney Name

DEFENDANTS

1) This plaintiff has knowledge and believes that defendants **Herbert Lehman College at 250 Bedford Blvd W, The Bronx New York 10468** are responsible for the untimely death of employee, **Herbert Lehman College Peace Officer** Ulyssese Castro.

2) This plaintiff has knowledge and believes that **The City University of New York (CUNY) at 425 E. 25th St New York NY 10010**, are responsible for the untimely death of employee, **Peace Officer** Ulyssese Castro.

PLEADING TITLE - 1

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U.S. DISTRICT COURT E.D.N.Y.

APR 06 2021

1
2 3) This plaintiff has knowledge and believes that defendants **MTA/New York**
3 **City Transit Authority at 130 Livingston St, Brooklyn NY 11201** responsible for the
4 untimely death of employee, **New York City Bus Driver** Henry Castro, brother of Ulyssese.
5

6 4) This plaintiff has knowledge and believes that defendants **Queens Hospital**
7 **Center at 82-68 164th St, Jamaica, New York** through their negligence, contributed to the
8 untimely death of **New York City Bus Driver** Henry Castro.
9

10 **BACKGROUND**

11
12 In December of 2019, the world first heard reports of a deadly virus that
13 originated in the province of Wuhan, China. This virus-later identified as **SARS-CoV-2(or**
14 **Covid 19)**-would continue its deadly wave across the globe.
15

16
17 February 6 2020, the first case of a United States woman having died from
18 **COVID-19** was reported. As the virus began to spread, ultimately reaching New York, Governor
19 Andrew Cuomo ordered a **lockdown** for the entire state on about March 20, 2020, requiring all
20 **non-essential workers** to shelter in place-stay at home/indoors.
21

22 **ULYSSESE CASTRO**

23
24
25 Ulyssese Castro was employed as a **Peace Officer at Herbert Lehman College**
26 in the Bronx, New York for approximately 18 years. As an **essential worker**, he was at **ground**
27 **zero** when it came to exposure to this deadly virus-in **direct physical contact** with teachers and
28

1 students **from all over the world**. He was **required** to be at work-despite the ongoing Covid 19
2 pandemic and subsequent lockdown that **continues** as of this filing. Around the last week of
3 March, 2020, Ulyssese complaining about not feeling well and called in sick. He died from
4 Covid 19 on April 4, 2020. He was only **53** years old.

7 **HENRY CASTRO**

8 Henry Castro worked as a **New York City Bus Driver** for nearly 30 years. As an
9 ‘**essential worker**’, he-like his late brother Ulyssese-was at **ground zero for exposure** to this
10 virus-interacting with people from all over the city and the world. Henry was **required** to be at
11 his job-to take passengers to and from their destination. Again, this despite the lockdown across
12 the city and the world due to this Covid 19 pandemic. Around the last week of March, 2020 his
13 coworkers reported to his sister that Henry did not appear well and was coughing uncontrollably.
14 Because of this he took leave of his job and checked himself into **Queens Hospital Center**.
15 However, for some reason the hospital did not take his symptoms or illness seriously-even
16 though he was high risk for exposure to this virus because of his job. Henry left in frustration
17 because of their apathy to his symptoms. Too sick to go home, he checked himself into a nearby
18 hotel. Days later he was found unresponsive in his hotel room. After attempts to revive him
19 proved unsuccessful, he was pronounced dead on April 6, 2020-**less than 48 hours after his**
20 **younger brother**, Ulyssese died. Henry Castro was only **54** years old.

25 **THE AFTERMATH**

26 After my brothers died from this Covid 19 pandemic, the family was left to
27 immediately take care of their remains. But because of the terrible wave of deaths that this
28

1 pandemic caused, both brothers' remains were left at funeral homes until a convenient
2 time/burial plot became available. Ulyssese was finally laid to rest about a month after his death
3 and Henry was laid to rest in June, 2020-nearly two months after his death.
4

5
6 As a Peace Officer, Ulyssese worked with a crew of fellow Officers on rotating
7 shifts. After his death from COVID-19, *only then* does it appear that **Herbert Lehman College**
8 was finally **shut down** completely to security and the public. Both Ulyssese and Henry were
9 quickly replaced in their former jobs of Peace Officer and MTA Bus Driver. These '**essential**
10 **worker**' jobs continue on without them.
11

12
13 **THE UNTIMELY DEATHS OF THE CASTRO BROTHERS COULD**
14 **HAVE BEEN AVOIDED-CULPABILITY OF THE DEFENDANTS**
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16
17 On March 19, 2020 it was reported to all media outlets that a secret recording was
18 obtained revealing that Senator Richard Burr (N.C.) of the **Senate Intelligence Committee**,
19 warned a group of wealthy constituents on February 27, 2020 that the effects of COVID-19
20 *would rival-if not exceed-the influenza pandemic of 1918* on the general population. This was
21 **nearly a full month** before the United States was put on lockdown-a lockdown that continues to
22 this day.
23

24
25 It was also reported that then President Donald Trump was warned in January of
26 2020-well in advance of this pandemic-about the devastating effects that Covid 19 would have
27 on this country's population. Despite these dire warnings, **no precautions were taken to protect**
28

1 **the American People**-in fact the preventative measures of wearing a mask **was discouraged by**
2 **the President himself**. None of these advanced warnings were implemented that could have
3 prevented the deaths of my brothers, who were required to be at their posts due to their status as
4 essential workers. Their commitment to service and duty *cost them their lives*.

7 **DAMAGES SOUGHT ON BEHALF OF HENRY AND ULYSSESE**
8 **CASTRO**

11 **GENERAL DAMAGES**

12 **EMOTIONAL AND PHYSICAL PAIN**

14 As noted, both Henry and Ulyssese were required to work at their jobs/positions-
15 while this pandemic was raging across New York, America and the world- because of their status
16 as long-term employees and essential workers. But they *literally died doing their job*. They have,
17 of course, already been replaced, as life moves on, yet the ones that cared and loved them are left
18 with this open wound caused by their untimely and preventable loss. Wounds never to be healed
19 in this lifetime.

23 **LOSS OF COMPANIONSHIP**

25 In an instant, a mother lost *two* sons, and a family lost beloved members and
26 friends. As their older brother, I was often called upon to look after them as children. As adults,
27 my brothers and I-particularly Ulyssese-grew closer as we got older. He was my best friend. We

1 talked about and shared everything. I never thought I would lose him so soon and in such a swift,
2 brutal way. Had proper precautions been taken to safeguard all their Peace Officers and public
3 servants where Ulyssese and Henry worked, they **would still be here today**. My mother is
4 devastated. All because her sons were required to be at their jobs while the rest of the world was
5 on lockdown/quarantine and able to return home safely to *their* families while we lost *ours*
6 forever.
7

8 9 10 **SPECIAL DAMAGES**

11 12 **LOSS OF ENJOYMENT OF LIFE**

13
14 The entire Castro family is suffering the loss of our two sons/brothers/nephews/cousins. There
15 has been a dramatic change in the mother of Henry and Ulyssese-how can you ever console
16 someone who has lost two children to same deadly virus in two days? Every conversation is
17 tinged with the sadness of their loss. Every conversation is a mine field of emotions-how do you
18 reference my brothers without reminding her of their deaths? I was with Ulyssese during his last
19 moments-powerless to help him as his life slipped away. There is ***not a moment of the day*** when
20 I don't see his lifeless body being taken away in a hearse-a memory that will stay with me and
21 haunt me forevermore.
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23

24 25 26 **LOSS OF OPPORTUNITY**

1 **LOSS OF INCOME, EARNINGS CAPACITY AND FUTURE FRINGE**
2 **BENEFITS**

3
4 Because of their untimely deaths, Henry and Ulyssese had many plans and dreams
5 left unfulfilled. Each had been at their place of employment for a respectable length and will
6 never reach the potential that comes with a senior position at the jobs they leave behind.
7

8
9 Both brothers promised to take care of and look after their mother as she aged.
10 With the simultaneous loss of two of her younger children, she is left in a constant state of
11 despair and anxiety. She will never receive a heartwarming phone call nor visit from her sons
12 ever again.
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15 **PUNITIVE DAMAGES**
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19 Because of this deadly once-in-a-century Covid 19 pandemic, **New York City**
20 **Transit Authority/MTA New York City Transit and Herbert Lehman College/City**
21 **University of New York**, should have been **shut down completely**. Henry and Ulyssese Castro
22 **should have been home**, quarantined with their loved ones,-safe until this horrible pandemic
23 passed over us. **Queens Hospital Center** should have taken Henry Castro seriously about his
24 illness-and should have treated him properly-pandemic or not. As the world is just now slowly
25 starting to recover to normalcy , we the Castro family are left putting the pieces of a fractured
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1 family back-which will never happen because our dear sons/brothers/family members are not
2 coming back.

3 *Nothing* should have been as important during the deadliest week of this
4 pandemic, when every school/college was closed and transportation all over the world was
5 abruptly shut down and came to a halt-to have Henry and Ulyssese Castro on the frontlines of
6 this of exposure to the deadly Covid-19 virus. Why weren't the proper precautions taken to
7 protect our loved ones-save for mask and a pair of gloves?
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12 **PRAYER FOR RELIEF (A)**
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14 Just over a hundred years ago, the world was faced with a deadly influenza
15 pandemic that perhaps they thought they would never see the end of. But here we are, a century
16 removed from that awful time-but with better means to accurately predict how deadly a
17 pandemic like this would be. The **government knew well in advance** that *no one should have*
18 *been on the streets as this deadly wave of virulent terror called Covid 19 passed over us.* My
19 brothers should have been advised to **stay at home** under quarantine, like the rest of their
20 coworkers-and the world. But instead of being protected with the love and care of their family,
21 they will forever be stuck in this terrible time-a distant memory to some-*but always and never to*
22 *be forgotten* by me, their older brother and their mother, who can only wish to hear their laughter
23 and enjoy their company.
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1 This plaintiff respectfully asks on behalf of the Castro family that the defendants
 2 responsible for the untimely and preventable deaths of brothers Henry and Ulyssese Castro be
 3 held accountable for one hundred million dollars (\$100,000,000) for the combined pain and
 4 suffering, loss of life, wrongful death, loss of future earnings and loss of companionships for the
 5 Castro Brothers and their family.
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 13 Respectfully Submitted,
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 16 Romanus Castro, Pro Se 
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18
 19 April  2021
 20

21 (A)
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23 This plaintiff is aware that when filing a pro se complaint, the case is immediately routed to the same Judge
 24 and Magistrate who presided over previous complaint(s) filed by the plaintiff. In this case the Judges are Eric N. Vitaliano and
 25 Magistrate Lois Bloom. In plaintiffs pro se cases before His Honor Vitaliano and Magistrate Bloom-most infamously his
 26 copyright infringement complaint (*Castro v Cusack, et al* :1:15 CV-06714)-they could not rule/did not rule fairly- denying the
 27 plaintiff his **due process rights**. This plaintiff respectfully requests that **this complaint be given to a new Judge and Magistrate-**
 28 who believe in due process and fairness-and will not twist my families pain into something sordid and unfairly mix separate
 complaints/filings when they each one nothing to with the other and call it 'justice 'as they did in plaintiffs copyright

PLEADING TITLE - 9

1 infringement complaint. . My family and I do not have the heart to navigate such unchecked indifference and cruelty at this
2 difficult time.

PLAINTIFFS

MARIAH CASTRO/MOTHER

EZEKIEL CASTRO/BROTHER

ROMANUS CASTRO/BROTHER

ADDRESS: 65-31 BAYFIELD AVE

ARVERNE NEW YORK 11692

DEFENDANTS

HERBERT LEHMAN COLLEGE

250 Bedford Park Blvd W, The Bronx New York 10468

City University of New York (CUNY)

425 E 25th St New York 10010

QUEENS GENERAL HOSPITAL

82-68164th St, Jamaica, New York 11432

MTA NEW YORK CITY TRANSIT AUTHORITY

130 LIVINGSTON ST

Brooklyn NEW YORK 11201